



Legislation Text

File #: 2019-140, Version: 1

TITLE

HOLD PUBLIC HEARING TO CONSIDER REZONING CASE 18-11-GCPL-007119: RS-40 (SINGLE-FAMILY RESIDENTIAL) TO AG (AGRICULTURAL) (BLAKSHIRE ROAD)

SPONSOR

J. Leslie Bell

BACKGROUND

Rezoning Case #18-11-GCPL-07119 is a request by Rex McCaskill (“Applicant”) to rezone approx. 2.60 acres located approx. 1,850 feet northeast of the intersection of Blakeshire Road and Southeast School Road in Clay Township being Guilford County Tax Parcel #121404. The Planning Board held its public hearing at its Regular Meeting on December 12, 2018. This Rezoning is a request to change the existing RS-40 Zoning designation to Agricultural (AG) designation.

The RS-40 Residential Single-Family District is primarily intended to accommodate single - family detached dwellings on large lots in areas without access to public water and wastewater services. The district is established to promote single-family detached residences where environmental features, public service capacities or soil characteristics necessitate overly low density single-family development. The overall gross density in RS-40 areas typically will be 1.0 unit per acre or less.

The AG Residential Single-Family District is primarily intended to accommodate uses of an agricultural nature, including farm residences and farm tenant housing. It also accommodates scattered non-farm residences on large tracts of land. It is not intended for major residential subdivisions. The RS-30, Residential, Single-Family District is primarily intended to accommodate low density single-family detached dwellings on large lots in areas without access to public water and wastewater services. The overall gross density in RS-40 areas typically will be 1.0 unit per acre or less.

The land use plan for the area is the Alamance Creek 2016 Update that recommends for AG rural residential use. This request is consistent with the adopted plan. It is compatible with the surrounding uses and is being proposed in the public interest through the provision of necessary services.

(1) The Plan designates the area as Agricultural Rural Residential which is consistent with this request.

(2) The AG request will continue to limit future uses to Agricultural and Residential.

(3) It is reasonable and in the public interest as the request will limit future residential and agricultural uses.

Staff recommends approval of this request. No Area Plan Amendment is necessary for this request if approved.

Per Section 3.12.2 (H) of the Guilford County Development Ordinance, the following three possible results from a vote of the Planning Board on a rezoning matter include:

- 1) A favorable 5/7's (71.4%) vote, from the Planning Board shall constitute final action unless appealed in accordance with Article IX (Administration);
- 2) Applications receiving less than a 5/7's (71.4%) favorable vote, but a majority favorable vote from the Planning Board members present and voting shall constitute a favorable recommendation of the application and shall be forwarded to the Governing Body; and
- 3) Applications receiving less than a majority favorable vote or unfavorable from the Planning Board shall constitute denial of the application unless appealed in accordance with Section 9-9

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(Appeals).

With six (6) members present and voting, it would require a minimum of five (5) favorable votes to get 'final action' approval of the rezoning (4 favorable votes is 66.67% and less than 71.4%). The actual vote on the matter was 4 - 2 (Burnett, Apple, and Geter were not present) in favor of the rezoning (see attached minutes). This voting result means that the vote failed to receive 'final action' approval but does go forward to the Board of Commissioners as a 'favorable' recommendation. Thus, this public hearing is not a result of an appeal; rather, it automatically goes to the Board of Commissioners for a final decision.

REQUESTED ACTION

Conduct required public hearing for rezoning case #18-11-GCPL-07119 to rezone approximately 2.60 acres located approx. 1,850 feet northeast of the intersection of Blakeshire

Road and Southeast School Road in Clay Township being Guilford County Tax Parcel #121404.